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	EXAMINER
	BULLOCK JR,L

ART UNIT	PAPER NUMBER
2755	

DATE MAILED: 06/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

☒ Responsive to communication(s) filed on *Feb 29, 2000* _____ .

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ___*3*___ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

   ☒ Claim(s) *28-48* _____ is/are pending in the application.

      Of the above, claim(s) _____ is/are withdrawn from consideration.

   ☐ Claim(s) _____ is/are allowed.

   ☒ Claim(s) *28-48* _____ is/are rejected.

   ☐ Claim(s) _____ is/are objected to.

   ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

   ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

   ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

   ☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

   ☐ The specification is objected to by the Examiner.

   ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

   ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

      ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

         ☐ received.

         ☐ received in Application No. (Series Code/Serial Number) _____ .

         ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

      *Certified copies not received: _____ .

   ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

   ☒ Notice of References Cited, PTO-892

   ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

   ☐ Interview Summary, PTO-413

   ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

   ☐ Notice of Informal Patent Application, PTO-152

--- *SEE OFFICE ACTION ON THE FOLLOWING PAGES* ---

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for

examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 28-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over

SLOTZNICK (US 6,011,537)

As to claim 28, SLOTZNICK teaches a method for automatically swapping application

tasks (display of primary data and secondary data) running within a local network site of a

computer network when access from the local network site to a remote network site is delayed,

the method comprising:

initiating, from a communications application (browser) at a local network site (client), a

link (request for primary data) to a remote network site (remote source) while multi-tasking

applications (window displaying secondary information) are simultaneously running at the local

network site (background);

initiating retrieval of data from the remote network site, in response to initiating the link

(click a link / make a request for more primary data);

automatically switching focus from the communications application (browser) to one of

the multi-tasking applications (window displaying secondary data), in response to initiating the

link;

determining, after focus has been switched from the communications application

(browser), that the data has been retrieved (second primary data received); and

automatically, providing user notification that the data has been retrieved, in response to

the determination (switch focus to new primary data / icon / button) (Col. 23, line 33-Col. 24,

line 9; Col. 25, line 43- Col. 26, line 18; Col. 34, lines 13-26; Col. 21, lines 52-65). It would be

obvious that the multitasking application operates separate from the communications application

since code for displaying the secondary information does not have to be browser code (Col. 33,

lines 29-33) and both the communications application and multitasking application have separate

windows (Col. 23, lines 33-65; Col. 37, lines 34-57).

As to claim 29, Slotznick teaches the step of automatically providing user notification

comprises automatically switching focus back to the communications application (browser

displaying primary data) from the one of the multitasking applications (window displaying

secondary information) (Col. 26, lines 5-17).

As to claim 30, SLOTZNICK teaches the steps of: detecting expiration of a predetermined period of time (preset time period) in which no user input has been received; and the step of switching focus back to the communications application (browser displaying new primary data) is performed only after the step of detecting the expiration (Col. 21, lines 8-19).

As to claim 31, SLOTZNICK teaches the steps of: receiving user input selecting the communications application (user requesting a return to the primary data) after the notification has been provided; and switching focus back to the communications application from the multi-tasking application in response to receipt of the user input (Col. 22, lines 37-54).

As to claim 32, SLOTZNICK teaches the steps of: identifying a previously utilized application (window containing secondary data); and the step of automatically switching focus to the multitasking application comprises automatically switching focus to the previously utilized application (Col. 22, lines 37-54; Col. 23, lines 33-62). It would be obvious that since there can be more than one window holding secondary data (additional secondary data) that one could be identified.

As to claim 33, refer to claim 32 for rejection. However, claim 33 details consulting a ring of applications. It would be obvious that since the user can request additional secondary data and

each secondary data is linked to another secondary data, the user is therefore consulting the

windows (Col. 22, lines 31-49).

As to claim 34, SLOTZNICK teaches the step of automatically switching focus to the

multi-tasking application (window displaying secondary data) is performed only if the link is

determined to be a time-consuming link (link to request data from a remote source) (Col. 23, lines

33-62). It would be obvious that the focus is not switched to secondary data if new information

does not have to retrieved but already cached, old information which is stored locally is requested

(Col. 22, lines 37-54; Col. 23, lines 17-32).

As to claims 35-41, reference is made to a system which corresponds to the method of

claims 28-34 and is therefore met by the rejection of claims 28-34 above.

As to claims 42-48, reference is made to a program product which corresponds to the

method of claims 28-34 and is therefore met by the rejection of claims 28-34 above.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-27 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439.

ALVIN E. OBERLEY
SUPERVISORY PATENT EXAMINER
GROUP 2700

lab

June 4, 2000